

Remarks

Applicants respectfully request entry of the amended claims. Support for the amended claims, and for new claims 23 and 24, may be found in the originally-filed claims and the specification.

Election/Restrictions

The Examiner noted that the “application has been examined to the extent readable on the elected compounds wherein R^2 represents nonheterocyclic groups and Ar, R^1 , R^3 , R^4 , n as set forth in claim 12, exclusively.”

Applicants respectfully point out that as defined, R^2 does not include nonheterocyclic groups. Applicants are unclear as to whether this is a simple typographical error, or whether “nonheterocyclic” R^2 groups were used as the basis for the search. Clarification is politely requested.

35 U.S.C. §112 Rejections

Claim 12

The Examiner rejected claim 12 as being allegedly indefinite because “it is unclear whether Ar is optionally substituted by the recited substituents or Ar also represents C_{1-8} alkyl-NR³R⁴ etc. The group C_{1-4} represents a terminal group and not a linking alkylene group attached to the NH.”

In response, applicants have amended claim 12 to replace the semicolon between “CH₂-R” and “CH₂O(CH₂)_nOC₁₋₆alkyl” with a comma. Applicants believe that one of ordinary skill in the art would realize that CH₂O(CH₂)_nOC₁₋₆ alkyl and C_1 - C_8 alkyl-NR³-R⁴ are included as substituents on aryl, rather than being included in the definition of aryl.

The Examiner further alleged that the plural ‘s’ on “salts” makes claim 12 read on mixtures rather than specific compounds.

In response, applicants have amended claim 12 to recite a “salt thereof” rather than “salts thereof.”

Applicants respectfully request that the Examiner reconsider and remove the rejection to claim 12.

Claims 13 and 16

The Examiner rejected claims 12 and 16, alleging that “the phrases ‘in particular’ and ‘more preferably’ render the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention.

In response, applicants have amended claim 13 to remove the phrase “in particular fluoro and bromo.” Applicants have introduced new claim 23 directed to the deleted subject matter of claim 13.

Applicants have amended claim 16 to remove the phrase “more preferably hydroxymethyl,” and have introduced new claim 24 directed to the deleted subject matter of claim 16.

Applicants respectfully request that the Examiner reconsider and remove the rejection to claims 13 and 16.

Claim 20

The Examiner rejected claim 20 for failing to recite an effective amount of active ingredient, alleging that “a mere trace may prove inoperable.”

In response, applicants have amended claim to recite a method which includes administering “an effective amount of” the compound of Formula (I).

Applicants respectfully request that the Examiner reconsider and remove the rejection to claim 20.

Claim 22

The Examiner alleged that claim 22 “lacks antecedent basis for the variable R¹ because claim 12 does not define R¹ as a protected derivative.”

Applicants respectfully disagree with the Examiner’s contention. The term “protected derivative” is simply present to make it clear that a protected derivative of a compound of Formula (II) can be used as a starting material for the production of a compound of Formula (I). The claim is not directed to the preparation of compounds of Formula (I) in which R¹ is a protected derivative. Indeed, the claim clearly states that it may be necessary to remove protecting groups following the reaction process in order to yield a compound of Formula (I) as defined in claim 12. Thus, we do not believe the claim lacks antecedent basis form claim 12.

The Examiner further alleged that the terms “protected derivative” and “leaving group” are unclear as to their meaning.

Applicants respectfully disagree with the Examiner’s allegation. Applicants contend that the meaning of these terms would be immediately clear to the skilled person who would always interpret the claims in the context of the description. In particular, lines 10 to 14 of page 8 of the instant application’s specification clearly explain that certain functional groups may need to be protected using standard chemistry. Furthermore, references to specific textbooks describing such standard protection and de-protection of functional groups are provided. The meaning of the term “leaving group” is also clearly defined on lines 19 to 21 of page 6 of the specification.

The Examiner also alleged that claim 22

“fails to clearly claim the process because it fails to recite the reaction conditions, i.e. reactants, reagents, solvents, etc. The term ‘converting’ renders the claims indefinite and based on an inadequate or insufficient disclosure by placing no definite limits or boundaries in the claim. ‘Converting’ does not signify that a reaction has taken place and should accordingly be changed to reacting. Salt

formation is an obvious process under 35 U.S.C. 103. What further compounds of Formula (I) are intended? Claim 12 does not define further compounds of Formula (I).”

Applicants respectfully disagree with the Examiner’s allegation. Applicants believe the scope of claim 22 would immediately be clear to the skilled person, given that full details of suitable process conditions are provided on pages 6 to 8 of the specification.

We note that the Examiner also objected to the word “converting” in the text at the end of claim 22. The word “converting” is present to make it clear that the optional process step of converting a compound of Formula (I) into another compound of Formula (I) falls within the scope of the claim. Removing this language would unduly restrict the scope of the claim. Furthermore, in our view, the meaning of the word would be abundantly clear to a person of ordinary skill in the art. In particular, lines 23 to 27 of page 6 of the specification clearly explain that such conversions can be undertaken by standard chemistry. Moreover, a specific example of such a conversion is also described.

Applicants respectfully request that the Examiner reconsider and remove the rejection to claim 22.

The above remarks have been made without prejudice to Applicants' right to prosecute any withdrawn subject matter in a timely filed continuing application.

Respectfully submitted,
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